

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE CLOROX CONSUMER) Master File No. 12-00280 SC
LITIGATION)
) ORDER DENYING MOTION TO
) INTERVENE

This Document Relates To:

12-00764 SC
12-00356 SC
12-00649 SC
12-01051 SC

On April 14, 2015, Amber Lanbert, Kimmy P. Thulfazen, and Rich Janothon (collectively, "Intervenors"), proceeding pro se, filed a motion to intervene in this action. ECF No. 139 ("Mot."). Defendant opposes the motion. ECF No. 140. Intervenors did not file a reply brief by the deadline of May 5, 2015; therefore the motion is fully briefed. Similarly, Intervenors failed to notice a hearing date with their motion. Mot. at 1-2. Nevertheless, Intervenors' motion is appropriate for resolution without oral argument. Civ. L.R. 7-1(b). The motion is DENIED, as explained below.

Federal Rule of Civil Procedure 24 provides for two types of intervention: intervention of right and permissive intervention. Fed. R. Civ. P. 24(a), (b). Parties seeking intervention of right

1 must (1) bring a timely motion, (2) possess a "significantly
2 protectable interest" relating to the action, (3) be situated such
3 that the disposition of the action "may impair or impede the
4 party's ability to protect that interest," and (4) their interest
5 must not already be adequately represented by the existing parties.
6 Perry v. Proposition 8 Official Proponents, 587 F.3d 947, 950 (9th
7 Cir. 2009) (quoting Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th
8 Cir. 2003)). Unlike intervention of right, granting permissive
9 intervention is discretionary provided the applicant "shows (1)
10 independent grounds for jurisdiction; (2) the motion is timely; and
11 (3) the applicant's claim or defense, and the main action, have a
12 question of law or a question of fact in common." N.W. Forest Res.
13 Council v. Glickman, 82 F.3d 825, 839 (9th Cir. 1996). While the
14 requirements for both types of intervention are "broadly
15 interpreted in favor of intervention," a proposed intervenor
16 nonetheless bears the burden of satisfying Rule 24's requirements.
17 Prete v. Bradbury, 438 F.3d 949, 954 (9th Cir. 2006); see also Fed.
18 R. Civ. P. 24(c).

19 Here, Intervenors have moved for permissive intervention.
20 Mot. at 1. They have not met their burden. Intervenors' motion:
21 (1) omits any factual or legal basis for intervention under either
22 Rule 24(a)(2) or (b), (2) fails provide any information about their
23 interest in the action, and (3) does not provide any explanation as
24 to how their interests are not adequately represented by the
25 existing parties to the action. Indeed, the only information
26 Intervenors provide in support of their motion is their statement
27 "Intervenors have a common vested interest in this litigation,
28 Intervenors were personally affected by Clorox . . . Intervenors

1 are similarly situated individuals . . . Intervenor will provide
2 questions of laws and facts that are common in this litigation."
3 Mot. at 1. Conclusory assertions do not meet the standard for
4 either intervention of right or permissive intervention.
5 Accordingly, the motion is DENIED.

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7 IT IS SO ORDERED.

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9 Dated: May 21, 2014


UNITED STATES DISTRICT JUDGE